

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	:	CHAPTER 7
	:	
RUDOLF CALOIAN,	:	CASE NO. 18-59880-SMS
	:	
Debtor.	:	
	:	

TRUSTEE’S APPLICATION FOR APPOINTMENT OF ATTORNEYS

COMES NOW S. Gregory Hays, as Chapter 7 Trustee (“**Trustee**” or “**Applicant**”) in the bankruptcy case of Rudolf Caloian (“**Debtor**”), and respectfully represents as follows:

1.

Debtor initiated this case by filing a voluntary petition for relief under Chapter 7 of Title 11 of the United States Code (the “**Bankruptcy Code**”) on June 13, 2018.

2.

Applicant was thereafter appointed and remains the duly acting Chapter 7 trustee in this case.

3.

To administer this case in a proper, efficient, and economical manner, Applicant requires the services of legal counsel, and he wishes to employ the firm Arnall Golden Gregory LLP to act as his attorneys in this case.

4.

The members and associates of said firm are admitted to practice in this Court, have knowledge and experience in bankruptcy practice and are well qualified to represent Trustee in this matter. Attached as Exhibit “A” is the Rule 2014 Verification of Arnall Golden Gregory LLP.

5.

The current hourly billing rates of the attorneys and paralegals who may render services in the case follow:

1.	Neil C. Gordon	\$560.00
2.	Frank N. White	\$535.00
3.	Michael F. Holbein	\$495.00
4.	Michael J. Bargar	\$430.00
5.	William D. Matthews	\$395.00
6.	Angela G. Ford	\$195.00
7.	Nancy J. Overholtzer	\$195.00
8.	Pamela E. Bicknell	\$195.00
9.	Carol A. Stewart	\$185.00
10.	Tarsha Daniel	\$185.00

Depending on need for particular experience or the exigencies of the case, other attorneys may also provide services. The above rates may be increased during the term of the proposed employment or if so awarded by the Court.

6.

Professional services, for which counsel for Trustee are necessary in this case, relate to the recovery of assets by Trustee, including the preparation, filing, and prosecution of any motions to settle, motions for turnover, adversary proceedings, as well as all claims objections, applications, and other necessary services. Specifically, it is necessary to retain attorneys to assist Applicant with legal issues regarding the investigation, recovery, monetization, and distribution of a certain real property interest of the estate, including potential litigation related to the same. Applicant may also require the services of said professionals to assist with other legal matters, which may arise during the administration of this case.

7.

The professional services, for which it is necessary that an attorney act, may also include:

- (a) Preparation of pleadings and motions and conducting of examinations incidental to the administration of the estate;
- (b) Services incidental to preservation and disposition of assets;
- (c) Investigation, analysis, and appropriate action, if required, relative to any preference, fraudulent transfer, unperfected security interest, improper disposal of assets, prosecution of the estate's claims, or pending litigation;
- (d) Any and all other necessary action incident to the proper preservation and administration of the estate.

8.

To the best of Applicant's knowledge, said firm's acting as attorneys in this case will be in the best interest of the estate, Debtor, creditors, and all other parties in interest. To the best of Applicant's knowledge, and except as otherwise disclosed herein and in the Bankruptcy Rule 2014 Verification of Michael J. Bargar, the firm has no connection with the aforementioned Debtor, his creditors, any party in interest in this case, their attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee. Said firm does not hold or represent an interest adverse to the estate, does not represent any creditor or other known interested party, and is a disinterested person under 11 U.S.C. § 327(a), as that term is defined in 11 U.S.C. § 101(14). Disclosure is made, however, that Neil C. Gordon, a partner of the firm, and Michael J. Bargar, an associate of the firm, have been appointed by the United States Trustee for Region 21 to act as panel trustees in the United States Bankruptcy Court, Northern District of Georgia, Atlanta Division.

9.

To expedite the marshalling of the estate's assets, Arnall Golden Gregory LLP has heretofore performed certain professional services for the estate or plans to perform such services, which may be rendered prior to the signing of any order upon this Application.

10.

Applicant proposes that said firm be compensated for its services in accordance with future orders of the Court based upon the criteria for professional compensation required by bankruptcy law. No compensation will be paid by Applicant to said law firm except upon application to and approval by the Court after notice and hearing as required by law.

WHEREFORE, Applicant prays that Arnall Golden Gregory LLP be authorized to act as Applicant's attorney in this case and that such authorization continue if said firm should assist any successor Trustee.

Respectfully submitted this 14 day of December, 2018.



S. Gregory Hays
Chapter 7 Trustee

Hays Financial Consulting, LLC
2964 Peachtree Rd, NW, Suite 555
Atlanta, GA 30305
(404) 926-0060
(404) 926-0055 (facsimile)

Proposed Attorneys for Trustee:
ARNALL GOLDEN GREGORY LLP

171 17th Street, NW, Suite 2100
Atlanta, GA 30363
(404) 873-8500

By: _____
Michael J. Bargar
Georgia Bar No. 645709
michael.bargar@agg.com

9.

To expedite the marshalling of the estate's assets, Arnall Golden Gregory LLP has heretofore performed certain professional services for the estate or plans to perform such services, which may be rendered prior to the signing of any order upon this Application.

10.

Applicant proposes that said firm be compensated for its services in accordance with future orders of the Court based upon the criteria for professional compensation required by bankruptcy law. No compensation will be paid by Applicant to said law firm except upon application to and approval by the Court after notice and hearing as required by law.

WHEREFORE, Applicant prays that Arnall Golden Gregory LLP be authorized to act as Applicant's attorney in this case and that such authorization continue if said firm should assist any successor Trustee.

Respectfully submitted this 14th day of December, 2018.

S. Gregory Hays
Chapter 7 Trustee

Hays Financial Consulting, LLC
2964 Peachtree Rd, NW, Suite 555
Atlanta, GA 30305
(404) 926-0060
(404) 926-0055 (facsimile)

Proposed Attorneys for Trustee:
ARNALL GOLDEN GREGORY LLP

171 17th Street, NW, Suite 2100
Atlanta, GA 30363
(404) 873-8500

By: /s/ Michael J. Bargar
Michael J. Bargar
Georgia Bar No. 645709
michael.bargar@agg.com

EXHIBIT "A"

**RULE 2014 VERIFICATION WITH REGARD TO
EMPLOYMENT OF ATTORNEYS**

The undersigned hereby declares under penalty of perjury:

1. I am an associate with the law firm of Arnall Golden Gregory LLP, with offices at 171 17th Street, NW, Suite 2100, Atlanta, Georgia 30363 (the "**Firm**").

2. S. Gregory Hays, as Chapter 7 Trustee ("**Trustee**") in the bankruptcy case of Rudolf Caloian ("**Debtor**"), has asked the Firm to represent him as Trustee in this case. To the best of my knowledge, the Firm has no connection with the aforementioned Debtor, his creditors, any party in interest in this case, their attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee, except as set forth below. The Firm represents no interest which would be adverse to the estate of Debtor in connection with the matters upon which the Firm is to be engaged. The Firm is a disinterested person as that term is defined in 11 U.S.C. § 101(14). Disclosure is made that the Firm represents S. Gregory Hays (in his capacity as a bankruptcy trustee) as special or general counsel in unrelated matters. Disclosure is also made that Neil C. Gordon, a partner of the Firm, and I, Michael J. Bargar, have been appointed by the United States Trustee for Region 21 to act as panel trustees in the United States Bankruptcy Court, Northern District of Georgia, Atlanta Division.

3. The Firm will not expect nor receive any compensation from the estate except upon application to and approval by the Bankruptcy Court after notice and hearing.

Dated this 14th day of December, 2018.

By: /s/ Michael J. Bargar
Michael J. Bargar
Georgia Bar No. 645709

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing *Trustee's Application for Appointment of Attorneys* by depositing in the United States mail a copy of same in a properly addressed envelope with adequate postage affixed thereon to assure delivery by first class mail to the following entities at the addresses stated:

Office of the United States Trustee
362 Richard B. Russell Building
75 Ted Turner Drive, SW
Atlanta, GA 30303

S. Gregory Hays
Hays Financial Consulting, LLC
2964 Peachtree Rd, NW, Suite 555
Atlanta, GA 30305

Karen King
King & King Law LLC
215 Pryor Street, S.W.
Atlanta, GA 30303

Rudolf Caloian
2081 Wildcat Cliffs Lane
Lawrenceville, GA 30043

This 14th day of December, 2018.

/s/ Michael J. Bargar
Michael J. Bargar
Georgia Bar No. 645709